

## REMARKS

Responsive to the Office Action mailed on June 7, 2006 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented.

### Present Status of Application

Claims 1 and 3-12 are pending. Claims 1, 3-5, 7-9 and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Eida (EP 1178709 A1). Claims 10 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Eida. Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Eida in view of Kadota et al (U.S. 5,818,550).

Claim 1 has been amended to recite a black matrix layer isolated from a gate electrode of the active component layer. Support for this limitation can be found in Figure 2 and the related description of the specification. Claim 10 is amended to corrected a typographical error. Applicant submits that no new matter has been added.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

### Rejections Under 35 U.S.C. 102

Claims 1, 3-5, 7-9 and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Eida. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

The rejection of a claim for anticipation under 35 U.S.C. §102 requires that the prior art reference include every element of the rejected claim. Furthermore, as stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention "arranged as in the claim." *Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

Eida fails to teach or suggest an active organic light emitting diode display structure comprising a black matrix layer, disposed on the top surface of the electrical conducting layer, isolated from a gate electrode of the active component layer and covering margins of the color filter area, as recited in claim 1.

Claim 1 recites a black matrix layer isolated from a gate electrode of the active component layer. In an embodiment of the invention disclosed in the paragraph beginning on page 4, line 17 and Fig. 2 of the application, the black matrix layer 35 is disposed on the top surface of the electrical conducting layer 34 having an opening 350 located above the color filter area 33, wherein the black matrix layer is isolated from the gate electrode of TFT 310.

In the office action, the Examiner identifies inter-insulator 13 of Eida as the alleged black matrix layer of claim 1. However, inter-insulator 13 contacts with the gate electrode 43 to insulate it from lower electrode 22 of the organic EL element 26. In particular, on page 9, paragraph [0062], Eida teaches:

A color-converting medium 60 and an inter-insulator 13 whose surface is made flat are arranged between the TFT 14 and a lower electrode 22 of the organic EL element 26.

Also see Figs. 1 and 17 of Eida.

Thus, contrary to the recited arrangement of claim 1, it is evident that the alleged “black matrix layer” 13 of Eida is **not isolated** from a gate electrode of the active component layer.

For at least the reasons described above, it is Applicant’s belief that the cited reference fails to teach or suggest all the limitations of claim 1. Applicant therefore respectfully requests that the rejection of claim 1 be withdrawn and the claim passed to issue. Insofar as claims 3-5, 7-9 and 11 depend from claim 1 either directly or indirectly, and therefore incorporate all of the limitations of claim 1, it is Applicant’s belief that these claims are also in condition for allowance.

Rejections Under 35 U.S.C. 103

Claims 10 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Eida.  
Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Eida in view of Kadota et al. As noted above, it is Applicant's belief that claims 6, 10 and 12 are allowable by virtue of their dependency from claim 1.

Furthermore, claims 10 and 12 recite that the **entirety** of the black matrix layer is disposed on the top surface of the electrical conducting layer. To the contrary, in Eida the entirety of the alleged "black matrix layer" 13 is not disposed on the top surface of the electrical conducting layer 28. See Figs. 1 and 17. Instead, Eida discloses the alleged "black matrix layer" 13 is also disposed on the gate electrode 43 as an inter-insulator. In this regard, Applicant reminds the Examiner that to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See MPEP 2143.03. Applicant submits that for this alternative and independent reason, claims 10 and 12 are allowable over the cited prior art.

In addition, claim 6 recites that the black matrix layer is a metal thin film. Applicant respectfully submits that there is no motivation to apply Kadota's metal film in Eida's structure since the combination would result in failure of Eida's display due to shorting between the TFT 14 and a lower electrode 22 of the organic EL element 26 if an inter-insulator 13 were replaced by a metal thin film. In this regard, Applicant reminds the Examiner that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). See MPEP 2143.01. Applicant submits that for this alternative and independent reason, claim 6 is allowable over the cited prior art.

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Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so.

Respectfully submitted,

/Nelson A. Quintero/

Nelson A. Quintero

Reg. No. 52,143

Customer No. 34,283

Telephone: (310) 401-6180

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